IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1668 OF 2006
WITH
NOTICE OF MOTION NO.1909 OF 2006

M/s.Radio Restaurant ....Plaintiff
V/s.
Jabbir Gulam Rasul & Ors. ....Defendants

ALOLNG WITH

SUIT NO.1557 OF 2003

M/s.Radio Restaurant & Ors. ....Plaintiffs
V/s.
Saira Abdul Wahid Sheru ....Defendant

Mr.P.K. Samdhani, Senior Counsel with Mr.A.A. Jain for the Plaintiff.

Mr.E.P. Bharucha, Senior Counsel with Mr.P.K. Vyas for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 12TH SEPTEMBER, 2006.

P.C. :

1. The learned counsel appearing on behalf of the parties state that their clients have decided to refer all the disputes and differences to the sole Arbitration of R.A. Kapadia, Senior Advocate of this Court. They further state that apart from the disputes and differences in the aforesaid suits, all other disputes and differences, claims and contentions of the parties, if any, shall also be referred to the

sole Arbitration of the said Arbitrator.

2. Both the parties agree and undertake not to challenge the arbitrability and jurisdiction of the Arbitrator of the aforesaid disputes.

3. Further the Court Receiver, High Court, Bombay shall stand appointed in respect of the suit business referred to in Suit No.1668 of 2006 at Exhibit "A". The Court Receiver shall appoint the Defendant as his agent to run the said business on payment of royalty but without security. The Court Receiver shall fix the royalty within a period of eight weeks from today.

4. The parties have agreed to make any further applications for ad-interim reliefs under Section 17 of the Arbitration and Conciliation Act, 1996 before the learned Arbitrator.

5. Till the Court Receiver takes possession, the parties shall maintain status-quo in respect of the suit business.

6. Both the suits are accordingly disposed of.